

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 14, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SUNDANCE SLOPE, LLC, a Washington
limited liability company,

Plaintiff,

v.

TROUT-BLUE CHELAN-MAGI, LLC, a
Washington limited liability corporation;
EDWARD JOHNSON, former chief
executive officer of Trout-Blue Chelan-
MAGI, Inc. and Trout-Blue Chelan-MAGI,
LLC; THOMAS OLIVER, general
manager, Trout-Blue Chelan-MAGI, LLC;
WASHINGTON ORCHARD
MANAGEMENT, LLC, a Delaware
limited liability corporation, registered to
do business in Washington.

Defendants.

No. 2:23-CV-00083-SAB

**ORDER RE: MOTIONS AND
JOHN AND JANE DOES 1-10**

Before the Court are Defendant Trout-Blue Chelan-MAGI, LLC's Partial
Motion to Dismiss, ECF No. 13, Defendants Edward Johnson, Thomas Oliver, and
Washington Orchard Management, LLC's Motion to Dismiss, ECF No. 14, and

ORDER RE: MOTIONS AND JOHN AND JANE DOES 1-10 # 1

1 Plaintiff's Motion to Amended Complaint, ECF No. 21. Plaintiffs are represented
2 by Collette C. Leland, Darren M. Digiacinto, Casey R. Simmons, and Carl E.
3 Hueber. Defendants are represented by Nathan T. Alexander and Shawn Larsen-
4 Bright. The motions were heard without oral argument.

5 The Court finds it efficient to grant Plaintiff's motion to amend their
6 complaint for damages and declaratory judgment and to strike Defendants'
7 motions to dismiss with leave to renew.

8 Plaintiff has named Jane and John Does 1-10 as Defendants in the above-
9 captioned matter. ECF No. 1. Barring unusual circumstances, "Doe pleading" is
10 not permitted in the Ninth Circuit. *Craig v. United States*, 413 F.2d 854, 856 (9th
11 Cir. 1969; *see also* General Orders 84-37, 13-37-1. Here, Plaintiff has not alleged
12 any unusual circumstances to justify the use of Doe pleading. Thus, the Court
13 dismisses Defendants John and Jane Does 1-10 from the case.

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1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant Trout-Blue Chelan-MAGI, LLC's Partial Motion to
3 Dismiss, ECF No. 13 and Defendants Edward Johnson, Tom Oliver, and
4 Washington Orchard Management, LLC's Motion to Dismiss, ECF No. 14, are
5 **STRICKEN with leave to renew.**

6 2. Plaintiff's Motion to Amend First Amended Complaint, ECF No. 21,
7 is **GRANTED.**

8 3. Defendants John and Jane Does 1-10 are **DISMISSED** without
9 prejudice and shall not be included in Plaintiff's Amended Complaint.

10 4. The Court directs the District Court Clerk to **terminate** Defendants
11 John and Jane Does 1-10 from the above-captioned matter.

12 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to file
13 this Order and provide copies to counsel.

14 **DATED** this 14th day of July 2023.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

21 Stanley A. Bastian
22 Chief United States District Judge
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